

REMARKS

This Response is submitted in reply to the Final Office Action dated July 16, 2009, in accordance with the telephone interview conducted on August 21, 2009, and in conjunction with the enclosed Request for Continued Examination. Applicant has amended Claims 1, 3 to 11, 24, 37, 39 to 48, 50 to 54, 58, 61 to 63, 67, 70 to 72, 76, 77, 79, 80, 81, 88 and 94 to 98. No new matter has been added by these amendments for the reasons provided below. Claims 13 to 23 and 25 to 36 remain canceled. Please charge deposit account 02-1818 for any fees due in connection with the filing of this Response and Request for Continued Examination.

As noted above, and discussed during the interview, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner allow this application or in the next Office Action identify "any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 1, 3 to 6, 9 to 11, 37, 39 to 42, 45 to 48, 52 to 54, 58, 59, 61 to 63, 67, 68, 70 to 72, 76, 77, 79 to 81, 85, 86, 88, 92 and 94 to 96 under 35 U.S.C. §103(a) as being unpatentable over Dickinson et al. (U.S. Patent No. 6,287,197; "Dickinson") in view of Tiberio (U.S. Patent No. 5,123,649; "Tiberio"). Applicant respectfully disagrees with and traverses this rejection.

As discussed during the interview, Dickinson discloses a coin-operated video game (see col. 2, lines 52-56 of Dickinson). The Office Action interpreted the coin-operated video game of Dickinson as a wagering game (page 4). Applicant respectfully disagrees that Dickinson's coin-operated video game is a wagering game. In Dickinson, a player plays the coin-operated video game and tries to achieve points for obtaining a high score. Dickinson does not disclose to operate the video game upon placement of a wager, or to provide any monetary or other award to a player based on such wager. The Examiner seemed to agree during the interview that Dickinson does not anticipate or render obvious a primary game which is operable upon placement of a wager, and which provides an award to a player based on the wager.

As further discussed during the interview, the Examiner agreed that the proposed combination of Dickinson and Tiberio does not anticipate or render obvious a gaming device that changes the game display interface for a single play of a primary game based on a wager level placed by the player for that play of the primary game.

Additionally, during the interview, the Examiner seemed to agree that the proposed combination of Dickinson and Tiberio does not render obvious a gaming device that either: (i) displays a first game display interface including a plurality of first reels for a single play of a primary game based on a first wager level for that play of the primary game, or (ii) displays a second game display interface including a plurality of second reels for a single play of a primary game based on a second wager level for that play of the primary game.

Applicant has amended independent Claims 1, 37, 47, 48 and 88 for further clarity in view of the interview. Support for such amendments can be found in at least paragraphs [0007], [0008], [0068] and [0072] along with Figures 3A to 3C of Applicant's specification.

Amended independent Claim 1 is directed to a gaming device which comprises, among other elements, at least one memory device which stores data corresponding to a primary game operable for one or more plays based upon placement of a wager which corresponds to one of: (1) a first wager level; and (2) a second wager level which is greater than the first wager level. The at least one memory device also stores data corresponding to a plurality of different game display interfaces available for a single one of the plays based upon the placed wager for the single play of the primary game and is operable to be displayed by the display device to represent the single play of the primary game, wherein the game display interfaces include a first game display interface and a different, second game display interface, the first game display interface includes a plurality of first reels displayable by the at least one display device, the plurality of first reels includes a plurality of different first symbols displayable on the first reels, the second game display interface includes a plurality of second reels displayable by the at least one display device, the plurality of second reels includes a plurality of different second symbols displayable on the second reels, wherein each of a plurality of the first symbols corresponds to a different one of a plurality of the second symbols,

each said first symbol and corresponding second symbol being associated with an identical winning condition in the primary game, wherein a plurality of the corresponding symbols in the first and second game display interfaces are visually different from one another, and the first and second game display interfaces are associated with a same payout rate per wager unit. The at least one memory device further stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the display device and the at least one input device, for the single play of the primary game, to: (1) receive an input associated with the placed wager; (2) determine whether the placed wager corresponds to one of the first wager level and the second wager level; (3) if the placed wager corresponds to the first wager level: (A) display the first game display interface including the first reels, (B) randomly determine an outcome including a plurality of the first symbols, and (C) cause the first reels to display the plurality of the first symbols of the randomly determined outcome; (4) if the placed wager corresponds to the second wager level: (A) display the second game display interface including the second reels, (B) randomly determine an outcome including a plurality of the second symbols, and (C) cause the second reels to display the plurality of the second symbols of the randomly determined outcome; and (5) provide any award associated with the displayed symbols of the randomly determined outcome, the award being based on the placed wager and in accordance with the same payout rate per wager unit independent of whether the first or second game display interface is displayed.

For the foregoing reasons, and the reasons discussed during the interview, Applicant submits that amended independent Claim 1 is patentably distinguished over the proposed combination of Dickinson and Tiberio and is condition for allowance.

Claims 3 to 6, 9 to 11, 52 and 94 depend directly or indirectly from amended independent Claim 1 and are also allowable for the reasons given with respect to Claim 1 and because of the additional features recited in these claims.

Amended independent Claims 37, 47, 48 and 88 each includes certain elements similar to certain elements of amended independent Claim 1. For reasons similar to the reasoning discussed above with respect to amended independent Claim 1 and the

reasoning discussed during the interview, amended independent Claims 37, 47, 48 and 88 (and their respective dependent claims) are each patentably distinguished over proposed combination of Dickinson and Tiberio and are in condition for allowance.

The Office Action also rejected Claims 2, 12, 24, 38, 49, 55 to 57, 64 to 66, 73 to 75, 82 to 84 and 89 to 91 under 35 U.S.C. §103(a) as being unpatentable over Dickinson and Tiberio and further in view of Roffman et al. (U.S. Patent No. 6,375,568; "Roffman").

Roffman discloses a gaming system having a plurality of gaming machines to be played by a plurality of players. Each gaming machine includes a wagering game and a theme game, wherein the results of the wagering game influence the results of the theme game as the wagering game is being played. For example, if the wagering game includes a slot machine, the slot machine reels generate symbols (or combinations of symbols) which correspond to game events in the theme game. However, Roffman does not remedy the deficiencies of the proposed combination of Dickinson and Tiberio set forth above with respect to independent Claims 1, 37, 47, 48 and 88.

Accordingly, Claims 2, 12, 24, 38, 49, 55 to 57, 64 to 66, 73 to 75, 82 to 84 and 89 to 91 depend directly or indirectly from one of amended independent Claims 1, 37, 47, 48 and 88 and are also allowable for the reasons given above with respect to those independent claims and because of the additional features recited in these dependent claims.

The Office Action also rejected Claims 7, 8, 43, 44 and 51 under 35 U.S.C. §103(a) as being unpatentable over Dickinson and Tiberio and further in view of Nakagawa et al. (U.S. Patent No. 6,168,519; "Nakagawa").

Nakagawa discloses a gaming system which includes a game having a plurality of player characters. As the game advances, an ability value of each player character changes depending on a plurality of different factors (e.g., temperature and humidity). However, Nakagawa does not remedy the deficiencies of the proposed combination of Dickinson and Tiberio set forth above with respect to independent Claims 1, 37 and 48.

Accordingly, Claims 7, 8, 43, 44 and 51 depend directly or indirectly from one of amended independent Claims 1, 37 and 48 and are also allowable for the reasons given above with respect to those independent claims and because of the additional features recited in these dependent claims.

The Office Action also rejected Claims 60, 69, 78, 87 and 93 under 35 U.S.C. §103(a) as being unpatentable over Dickinson and Tiberio and further in view of Jaffe et al. (U.S. Patent No. 6,443,837; "Jaffe").

Jaffe discloses a bonus feature involving the selection of different strategy options, wherein a player selects from the strategy options, one at a time, in successive game stages. After the player selects one of the strategy options, the gaming device determines an outcome associated with a designated game activity for the selected strategy option. However, Jaffe does not remedy the deficiencies of the proposed combination of Dickinson and Tiberio set forth above with respect to independent Claims 1, 37, 47, 48 and 88.


Accordingly, Claims 60, 69, 78, 87 and 93 depend directly or indirectly from one of amended independent Claims 1, 37, 47, 48 and 88 and are also allowable for the reasons given above with respect to those independent claims and because of the additional features recited in these dependent claims.

For at least the reasons set forth above, and for the reasons discussed during the interview, independent Claims 1, 37, 47, 48 and 88 (and their dependent claims) are patentable over the proposed combinations of references and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance, and such allowance is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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